

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claim 9 is amended. After entry of this Amendment, claims 1-26 will remain pending in the patent application.

Applicants appreciate the Examiner's indication that claims 10-26 are allowed. The Examiner also indicated that claims 3-8 were objected but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants respectfully submit that claims 3-8 are allowable.

Claims 1 and 9 were provisionally rejected under the statutory type (35 U.S.C. §101) double patenting as allegedly claiming the same invention as that of claim 1 of co-pending Application No. 10/201,624, now U.S. Patent 6,752,537 (hereinafter "'537 patent"). The rejection is respectfully traversed.

With respect to claim 1, Applicants note that claim 1 in the present application does not recite, *inter alia*, at least one capillary tube extending into the hole and partially fused therein by at least partially softening the layer. For at least this reason, claim 1 of the present application cannot be coextensive in scope with claim 1 of the '537 patent.

Claim 9 recites a ferrule comprising, *inter alia*, at least one of a filament and an optical fiber inserted into the hole and fused therein by at least partially softening the layer. Claim 9 has been amended to remove the limitation "at least one capillary tube." Therefore, claim 9, as amended, cannot be coextensive in scope with claim 1 of the '537 patent.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 9 under the statutory type (35 U.S.C. §101) double patenting are respectfully requested.

Claims 1, 2, and 9 were provisionally rejected under the statutory type (35 U.S.C. §101) double patenting as allegedly claiming the same invention as that of claims 1 and 2 of the '624 application. The rejection is respectfully traversed.

As mentioned previously, claims 1 and 9 are not coextensive in scope with claim 1 of the '537 patent, nor they are with claim 2 of the '537 patent.

Similarly, claim 2 is not coextensive in scope with claim 1 or 2 of the '537 patent because claim 2 of the present application does not recite, *inter alia*, at least one capillary tube extending into the hole and partially fused therein by at least partially softening the layer.

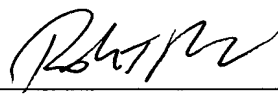
Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, and 9 under the statutory type (35 U.S.C. §101) double patenting are respectfully requested.

Claims 3-8 depend from claim 1 and are, therefore, allowable for at least the same reasons provided above related to claim 1.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP LLP

By: 
ROBERT C. PEREZ
Reg. No. 39328
Tel. No. (703) 905-2159
Fax No. (703) 905-2500

RCP/CFL
P.O. Box 10500
McLean, VA 22102
(703) 905-2000